

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23696 of 2021**

Arising Out of PS. Case No.-27 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

1. RAMBHAWAN CHAUHAN Son of Rambachan Chauhan @ Ram Bachan Resident of Village- House No.68A, Pravesh Nagar, Mubarak Pur @ Mubarik Pur, P.S.- Prem Nager @ Premnagar, District- North West Delhi.
2. PRADIP KUMAR Son of Rakesh Kumar Resident of Village- S178 Premnagar Part-2, Kirari, Suleman Nagar, Nithari, P.S.- Prem Nagar @ Premnagar, District- North West Delhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Kuchaikote P.S. Case No. 27 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition & Excise Amendment Act, 2018.

Learned counsel for the petitioners submits that as per the prosecution story, while the informant along with police personnel were on vehicle inspection duty, in the meantime, one

vehicle came there and on asking to stop, the petitioners started running from the place and on chase they were apprehended. The informant further alleged that in course of search of the vehicle total 167.655 liters of illegal liquor was recovered and from possession of the petitioners mobile phones were recovered.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case, petitioners have no criminal antecedent and they are in custody in connection with this case since 15.01.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein allegedly 167.655 liters of liquor has been recovered from the vehicle which was being driven by petitioner no. 1 and petitioner no. 2 was allegedly present in the vehicle, the petitioners have however no criminal antecedent and they have remained in custody in connection with this case since 15.01.2021, investigation against them is complete, this court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each

to the satisfaction of learned Additional Sessions Judge - 2nd – cum – Special Judge, Excise Act, Gopalganj in connection with Kuchaikote P.S. Case No. 27 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Further condition that in terms of his own undertaking give by learned counsel for the petitioners they will give at least one local bailor who is residing within the jurisdiction of the learned court below having sufficient immovable property.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.